



PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

BROWN

Appln. No.: 09/936,758

Filed: November 15, 2001

FOR: AMIDE DERIVATIVES

Commissioner of Patents
Washington, D.C. 20231

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) Group Art Unit: 1626
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) Examiner: SAEED, Kamal A.
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12/B & Ext
time (2ms)

Date: January 6, 2003

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5-6-03

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT
AND PRELIMINARY AMENDMENT**

01/07/2003 SSESHE1 00000091 500310 09936758

01 FC:1202 54.00 CH
02 FC:1253 930.00 CH

This is in response to the Office Action dated September 6, 2002, the time for responding to which has been extended to and including January 6, 2003, by the petition and authorization for fee payment submitted herewith.

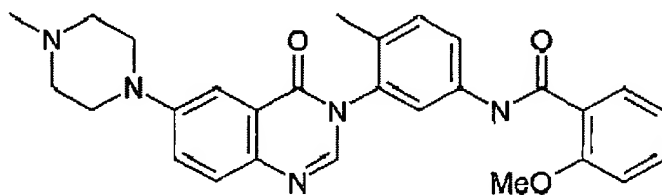
Response to Restriction Requirement

The Examiner notes that due to numerous variables in the claims, a precise listing of inventive groups cannot be made. Six Groups are then set out as being "exemplary," with the notation that if applicant is unable to elect a single invention, applicant may instead chose to elect a specific compound and the Examiner will attempt to group it.

The flexibility in the Examiner's suggestion is appreciated and, it is believed, will lead to the development of a more meaningful Group for the initial Examination. Applicant

would prefer not to elect one of the "exemplary" groups, and therefore elects below a single species (not encompassed by any of the exemplary groups), and also proposes for the Examiner's consideration a proposed Group definition that is a modification of the Examiner's Group III.

Thus, as a single species, applicant elects the compound of Example 11(12), *i.e.*, compound 12 of the table of Example 11, which is 6-(4-methylpiperazin-1-yl)-3-[2-methyl-5-(2-methoxybenzamido)phenyl]-3,4-dihydroquinazolin-4-one, having the following chemical structure:



This compound is embraced by claims 1, 2, 3, 5 and 7. As a proposed Group VII, applicant suggests the following definition:

"Proposed Group VII, Claims 1-8 and 10 in part to compounds and compositions of the formula Ia or Ib wherein at least one R^1 is piperazinyl and any non-piperazinyl R^1 is selected from non-heterocyclic groups as defined, m is 1, 2 or 3, Q is a non-heterocyclic group, **and** R^2 , X , R^3 , n and q are as defined."

It is noted that the Examiner will rejoin the process of preparation and method of use claims with the elected invention and will examine these claims commensurate in scope with the elected invention.

Proposed Group VII follows the format and content of the Examiner's Group III, except that m is 1, 2 or 3 (*i.e.*, there must be at least one R^1 substituent), and R^1 is defined such that *at least one* R^1 is a piperazinyl group and any *non*-piperazinyl R^1 is a

non-heterocyclic group. It is respectfully submitted that the requirement for at *least one* R¹ being piperazinyl defines the search, and the possibility that one or two *other* R¹ groups (if not also piperazinyl) are *non*-heterocyclic does not significantly expand the search. The Groups suggested by the Examiner, where in *each* R¹ must be a non-heterocyclic group (Examiner's Group I), or where *each* R¹ must be a heterocyclic group or a particular heterocycle (*e.g.*, the Examiner's Groups II-IV) is unduly restrictive, and excludes all embodiments of the invention wherein multiple R¹ groups are a mix of heterocyclic and non-heterocyclic, or a mix of different heterocyclic groups.

Therefore, it is believed that that applicant's *proposed* Group VII is of an appropriate scope, and its adoption by the Examiner, in defining a Group around the elected species, is respectfully urged. In anticipation of the Examiner's acceptance of proposed Group VII, and order to expedite the prosecution of this application, the following Preliminary Amendment brings the claims into conformance with the invention of proposed Group VII.

Preliminary Amendment

Prior to taking up this application for a first action on the merits, please preliminarily amend the claims as follows:

IN THE CLAIMS:

Please cancel claims 4 and 11, without prejudice or waiver with respect to the subject matter thereof.

Please amend claims 1-3, 5-10 and 12 to read as follows:

1. (Amended) An amide derivative of the Formula Ia